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| APPLICATION NO. | FILING DATE | FIRST NAMED INVENTOR | ATTORNEY DOCKET NO. | CONFIRMATION NO. |
|---|-------------|----------------------|---------------------|------------------|
| 09/965,651 | 09/25/2001 | Sanjay Kumar Nigam | 15670/020001 | 3073 |
| 7590 | 01/10/2006 | | EXAMINER | |
| Joseph R. Baker, Jr. Burns, Doane, Swecker & Mathis, LLP 402 West Broadway Suite 400 San Diego, CA 92101 | | | WITZ, JEAN C | |
| | | | ART UNIT | PAPER NUMBER |
| | | | 1651 | |
| DATE MAILED: 01/10/2006 | | | | |

Please find below and/or attached an Office communication concerning this application or proceeding.



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| EXAMINER |
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| ART UNIT | PAPER |
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DATE MAILED:

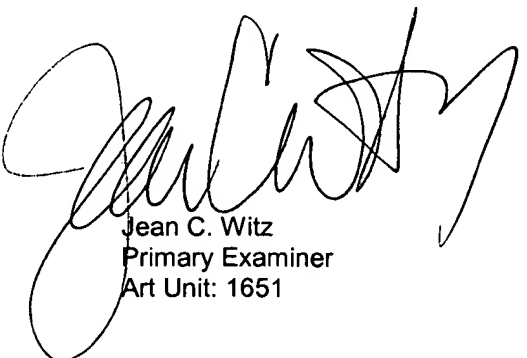
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Commissioner for Patents

The reply filed on October 20, 2005 is not fully responsive to the prior Office Action because of the following omission(s) or matter(s):

The amendment to claim 1 apparently now requires that the plurality of agents must be selected from two or more separate actions and therefore excludes the elected species of tunicamycin and geldanamycin from coverage by the generic claims. The general policy of the Office is not to permit the applicant to shift to claiming another invention after an election is once made and action given on the elected subject matter. As evidenced by the rejection of record, the elected species is patentably distinct from other claimed species. As a result of the amendment discussed above, the claims of record previously under consideration now cover only non-elected species and are therefore withdrawn from consideration. There are therefore no claims under consideration.

See 37 CFR 1.111. Since the above-mentioned reply appears to be *bona fide*, applicant is given **ONE (1) MONTH or THIRTY (30) DAYS** from the mailing date of this notice, whichever is longer, within which to supply the omission or correction in order to avoid abandonment. EXTENSIONS OF THIS TIME PERIOD MAY BE GRANTED UNDER 37 CFR 1.136(a).



Jean C. Witz
Primary Examiner
Art Unit: 1651